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CHAMBER ACTION

The Committee on Transportation recommends the following:

Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to the Florida High-Speed Rail Authority; amending s. 341.8203, F.S.; amending the definition of "rail station," "station," and "high-speed rail station"; providing that the general public shall have full and unrestricted access to high-speed rail stations; providing requirements with respect to high-speed rail stations; prohibiting the imposition of direct charges or fees as a condition of access to any high-speed rail station; amending s. 341.822, F.S.; directing the authority to contract with a bond finance consultant to conduct specified reviews and a feasibility study; requiring a report; amending s. 341.827, F.S.; requiring the authority to select one preferred alignment for each service area; prohibiting the authority from entering into any contract for construction or financing of the system prior to legislative approval of the system's alignment; restricting the authority from seeking final permits for



29 | or federal approval of the system alignment until the
30 | alignment review process is completed; specifying the site
31 | of the primary intermodal center for the system in the
32 | Orlando-Orange County Area; specifying criteria to be used
33 | in selecting the preferred alignment for each segment of
34 | the system; creating s. 341.8275, F.S.; requiring the
35 | Legislature to review and approve preferred alignments
36 | selected by the authority; directing the authority to
37 | select a preferred alignment for the Orlando-to-Tampa
38 | segment of the high-speed rail system by a specified date;
39 | requiring the authority to submit preferred alignment
40 | selections to specified agencies and entities for review;
41 | providing review criteria; requiring reports to the
42 | Legislature by a specified date; providing for legislative
43 | review of preferred alignments; providing procedure with
44 | respect to approval and disapproval of proposed
45 | alignments; amending s. 341.840, F.S.; providing that the
46 | tax exemption granted the authority shall not apply to any
47 | associated development or to income, sales, or other
48 | taxable transactions related to any associated
49 | development; creating s. 341.843, F.S.; requiring
50 | specified contractors to provide surety bonds; providing
51 | requirements with respect to such bonds; creating s.
52 | 341.844, F.S.; authorizing the Division of Bond Finance
53 | to issue revenue bonds for and on behalf of the authority
54 | for the purpose of financing or refinancing the
55 | construction, reconstruction, and improvement of the high-
56 | speed rail system; amending s. 341.830, F.S.; providing



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57 | that procurement by the authority of any person or entity
58 | to provide professional services shall be in accordance
59 | with the Consultants' Competitive Negotiation Act;
60 | providing an appropriation; creating s. 341.825, F.S.;
61 | requiring the Department of Transportation to include a
62 | request for specified expenditures to be provided to the
63 | Florida High-Speed Rail Authority in its annual
64 | legislative budget requests for a specified period;
65 | providing requirements with respect to such budget
66 | requests and sources of appropriations; creating s.
67 | 341.826, F.S.; providing for the assignment, pledging, or
68 | setting aside of such funds as a trust for the payment of
69 | principal or interest on bonds issued by the authority;
70 | providing for two full-time equivalent positions;
71 | providing an effective date.

72

73 | Be It Enacted by the Legislature of the State of Florida:

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75 | Section 1. Subsection (10) of section 341.8203, Florida
76 | Statutes, is amended to read:

77 | 341.8203 Definitions.--As used in this act, unless the
78 | context clearly indicates otherwise, the term:

79 | (10) "Rail station," "station," or "high-speed rail
80 | station" means any structure or transportation facility that is
81 | part of a high-speed rail system designed to accommodate the
82 | movement of passengers from one mode of transportation to
83 | another at which passengers board or disembark from
84 | transportation conveyances and transfer from one mode of



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85 transportation to another. The general public shall have full
86 and unrestricted access to all high-speed rail stations for the
87 purpose of using the high-speed rail. Each high-speed rail
88 station shall include reasonable provision of all roads
89 necessary for efficient access over public rights-of-way to the
90 station site and shall provide all necessary parking facilities
91 for cars, trucks, buses, taxis, and other vehicles. It shall
92 also include public dedication of corridors for future
93 connections of other modes of public transportation, including,
94 but not limited to, at-grade, elevated light rail, or magnetic
95 levitation vehicles, or other types of transportation than can
96 reasonably be connected to the high-speed rail station. No
97 person shall impose any direct charge or fee as a condition of
98 access to any high-speed rail station other than reasonable user
99 fees for parking and for transportation to and from the station,
100 which user fees shall not unreasonably inhibit such access.
101 Public access shall include, but not be limited to, access to
102 high-speed rail stations by members of the public by any means
103 of ground transportation.

104 Section 2. Subsection (6) is added to section 341.822,
105 Florida Statutes, to read:

106 341.822 Powers and duties.--

107 (6) The authority shall contract with a qualified bond
108 finance consultant to review the Project Development and
109 Environmental Study and the Investment Grade Ridership Study
110 performed for the Orlando-to-Tampa segment of the high-speed
111 rail system and provide a practical assessment of the project's
112 feasibility to generate fare box revenue sufficient to cover all



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113 operating and maintenance costs. The consultant shall submit a
114 report to the authority, the Governor, the President of the
115 Senate, and the Speaker of the House of Representatives by
116 November 1, 2003.

117 Section 3. Section 341.827, Florida Statutes, is amended
118 to read:

119 341.827 Service areas; segment designation; preferred
120 alignment.--

121 (1) The authority shall determine in which order the
122 service areas, as designated by the Legislature, will be served
123 by the high-speed rail system and shall select one preferred
124 alignment for each service area.

125 (2) Notwithstanding any other provision of law to the
126 contrary, the authority shall not enter into any contract
127 authorizing construction or financing of any segment of the
128 high-speed rail system without specific legislative approval of
129 the system's alignment. In addition, the authority may not seek
130 final permits for, or federal approval of, the system alignment
131 until the alignment review process as provided in s. 341.8275 is
132 completed.

133 (3) The authority shall plan and develop the high-speed
134 rail system so that construction proceeds as follows:

135 (a)1. The initial segments of the system shall be
136 developed and operated between the St. Petersburg area, the
137 Tampa area, the Lakeland/Winter Haven area, and the Orlando
138 area, with future service to the Miami area.



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139 2. The Orlando International Airport rail station shall be
140 the site of the primary intermodal center for the high-speed
141 rail system in the Orlando-Orange County area.

142 (b) Construction of subsequent segments of the high-speed
143 rail system shall connect the metropolitan areas of Port
144 Canaveral/Cocoa Beach, Ft. Pierce, West Palm Beach, Ft.
145 Lauderdale, Daytona Beach, St. Augustine, Jacksonville, Ft.
146 Myers/Naples, Sarasota/Bradenton, Gainesville/Ocala,
147 Tallahassee, and Pensacola.

148 (c) Selection of segments of the high-speed rail system to
149 be constructed subsequent to the initial segments of the system
150 shall be prioritized by the authority, giving consideration to
151 the demand for service, financial participation by local
152 governments, financial participation by the private sector, and
153 the available financial resources of the authority. The factors
154 set forth in this paragraph shall be used by the authority in
155 selecting the preferred alignment for each segment.

156 Section 4. Section 341.8275, Florida Statutes, is created
157 to read:

158 341.8275 Legislative approval of high-speed rail
159 alignments.--

160 (1) The Legislature shall review and approve the preferred
161 alignment, as selected by the authority pursuant to s. 341.827,
162 of the initial high-speed rail segment between Orlando and
163 Tampa; the second segment linking Tampa and St. Petersburg; the
164 third segment linking Orlando and Miami; and all subsequent
165 segments.



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166 (2)(a) The authority is directed to select the preferred
167 alignment for the Orlando-to-Tampa segment of the high-speed
168 rail system no later than November 1, 2003.

169 (b) The authority's selection shall be submitted to the
170 Department of Transportation, the Department of Community
171 Affairs, the metropolitan planning organizations within whose
172 jurisdictions the preferred alignment is located, and the
173 counties in which the preferred alignment is located. These
174 agencies and entities shall review the preferred alignment based
175 on the criteria in subparagraphs 1.-4. and submit to the
176 Legislature individual reports of their findings as to the
177 preferred alignment no later than February 1, 2004.

178 1. The Department of Transportation shall review the
179 authority's preferred alignment for consistency with the Florida
180 Transportation Plan; for its impact on state-owned
181 transportation facilities in the vicinity; and for consistency
182 with engineering principles required by the department for its
183 projects.

184 2. The Department of Community Affairs shall review the
185 preferred alignment to determine consistency with the approved
186 local government comprehensive plans of the units of local
187 government through which the preferred alignment runs.

188 3. The metropolitan planning organizations within whose
189 jurisdictions the preferred alignment is located shall review
190 the preferred alignment for consistency with their individual
191 Transportation Improvement Program plans, developed pursuant to
192 s. 339.175.



193 4. The county commissions of the counties in which the
 194 preferred alignment is located shall review the preferred
 195 alignment for consistency with their local transportation,
 196 economic development, and growth management initiatives or
 197 ordinances. In addition, the county commission of the county
 198 containing a primary intermodal center for the high-speed rail
 199 system located at an international airport shall submit an
 200 adopted resolution recommending its preferred alignment for the
 201 system.

202 (c) The Legislature shall review the preferred alignment,
 203 the reports provided by the agencies and entities described in
 204 paragraph (b), and any other information relevant to the
 205 preferred alignment. If the Legislature is satisfied that the
 206 preferred alignment is consistent with state transportation and
 207 growth management policies, and is the most cost-feasible
 208 alternative, then it shall approve the preferred alignment as
 209 selected by the authority. If the Legislature does not approve
 210 the preferred alignment, then it may consider alternative
 211 alignments that were presented to the authority. In the event
 212 that the Legislature is not satisfied with any of the proposed
 213 alignments for the Orlando-to-Tampa high-speed rail segment, it
 214 may direct the authority to develop new alternatives.

215 Section 5. Section 341.840, Florida Statutes, is amended
 216 to read:

217 341.840 Tax exemption.--The exercise of the powers granted
 218 by this act will be in all respects for the benefit of the
 219 people of this state, for the increase of their commerce,
 220 welfare, and prosperity, and for the improvement of their health



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221 and living conditions, and as the design, building, operation,
222 maintenance, and financing of a system by the authority or its
223 agent or the owner or lessee thereof, as herein authorized,
224 constitutes the performance of an essential public function,
225 neither the authority, its agent, nor the owner of such system
226 shall be required to pay any taxes or assessments upon or in
227 respect to the system or any property acquired or used by the
228 authority, its agent, or such owner under the provisions of this
229 act or upon the income therefrom, any security therefor, their
230 transfer, and the income therefrom, including any profit made on
231 the sale thereof, shall at all times be free from taxation of
232 every kind by the state, the counties, and the municipalities
233 and other political subdivisions in the state, provided,
234 however, that the tax exemption pursuant to this section shall
235 not apply to any associated development or to income, sales, or
236 other taxable transactions related to any associated
237 development.

238 Section 6. Section 341.843, Florida Statutes, is created
239 to read:

240 341.843 Surety bond; requirement with respect to high-
241 speed rail system.--

242 (1) The authority shall require, upon entering into a DBOM
243 or DBOM & F contract, that the contractor provide a performance
244 and payment bond in an amount determined by the authority.

245 (2) Prior to commencing any construction work by the DBOM
246 or DBOM & F contractor, the authority shall require that the
247 contractor provide to the authority a payment and performance
248 bond that covers 100 percent of the costs of the construction,



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249 provided, however, that if such level of surety is not
250 commercially available, the authority, notwithstanding ss.
251 255.05 and 337.18, may require a monetary surety amount of less
252 than 100 percent of such costs or may authorize that surety
253 bonds be provided on a phased basis.

254 (3) The surety on such bonds shall be from a surety
255 company authorized to do business in the state. All bonds shall
256 be payable to the authority and conditioned on the prompt,
257 faithful, and efficient performance of the contract according to
258 plans and specifications and within the time period specified
259 and further conditioned on the prompt payment of all persons
260 furnishing labor, materials, equipment, and supplies therefor.

261 (4) The bond requirement of subsection(2) may be
262 substantially in the form provided in s. 255.05(3).

263 Section 7. Section 341.844, Florida Statutes, is created
264 to read:

265 341.844 Revenue bonds; project financing.--Upon the
266 request of the Florida High-Speed Rail Authority, the Division
267 of Bond Finance is authorized pursuant to s. 11, Art. VII of the
268 State Constitution and the State Bond Act to issue revenue bonds
269 for and on behalf of the Florida High-Speed Rail Authority for
270 the purpose of financing or refinancing the construction,
271 reconstruction, and improvement of a high-speed rail system.
272 Bonds issued pursuant to this section shall be payable from the
273 revenues of the high-speed rail system or other revenues of the
274 authority, including funds appropriated for the authority.

275 Section 8. Section 341.830, Florida Statutes, is amended
276 to read:



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277 341.830 Procurement.--

278 (1) The authority may employ procurement methods under
279 chapters 255, 287, and 337 and under any rule adopted under such
280 chapters. To enhance the effective and efficient operation of
281 the authority, and to enhance the ability of the authority to
282 use best business practices, the authority may, pursuant to ss.
283 120.536(1) and 120.54, adopt rules for and employ procurement
284 methods available to the private sector.

285 (2) The authority is authorized to procure commodities and
286 the services of a qualified person or entity to design, build,
287 finance, operate, maintain, and implement a high-speed rail
288 system, including the use of a DBOM or DBOM & F method using
289 a request for proposal, a request for qualifications, or an
290 invitation to negotiate.

291 (3) Notwithstanding any provision of this act to the
292 contrary, procurement of any person or entity to provide any
293 professional services as defined in s. 287.055(2)(a) shall be in
294 accordance with the provisions of s. 287.055.

295 Section 9. There is appropriated from funds within the
296 State Transportation Trust Fund designated for the
297 Transportation Outreach Program (TOP) by s. 339.137, Florida
298 Statutes, to the Florida High-Speed Rail Authority the sum of
299 \$75 million for fiscal year 2003-2004 to assist in the
300 implementation of the construction of the high-speed rail system
301 as defined in s. 341.8203(6). In the event funds designated for
302 the Transportation Outreach Program are insufficient to meet the
303 total appropriation, the maximum available funds shall be
304 appropriated from the Transportation Outreach Program and



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305 additional funds equal to the amount of the insufficiency shall
 306 be appropriated from funds within the State Transportation Trust
 307 Fund for public transportation projects in accordance with
 308 chapter 341, Florida Statutes, as provided in s. 206.46(3),
 309 Florida Statutes, to the Florida High-Speed Rail Authority for
 310 the purposes set forth in this section. In the event that s.
 311 339.137, Florida Statutes, is repealed, the funds described in
 312 this section shall be appropriated from funds within the State
 313 Transportation Trust Fund committed by the Department of
 314 Transportation for public transportation projects in accordance
 315 with chapter 341, Florida Statutes, as provided in s. 206.46(3),
 316 Florida Statutes, to the Florida High-Speed Rail Authority for
 317 the purposes set forth in this section.

318 Section 10. Section 341.825, Florida Statutes, is created
 319 to read:

320 341.825 Annual legislative budget requests.--Commencing
 321 with fiscal year 2004-2005 and for the following 28 fiscal
 322 years, the Department of Transportation shall include in its
 323 annual legislative budget request an expenditure of not less
 324 than \$75 million to be provided by the Department of
 325 Transportation to the Florida High-Speed Rail Authority created
 326 by s. 341.821. Such budget shall include funding for projects
 327 approved by the authority that are determined by the authority
 328 to be in furtherance of the construction of the high-speed rail
 329 system as defined in s. 341.8203(6). The funds described in this
 330 section shall be appropriated from funds within the State
 331 Transportation Trust Fund designated for the Transportation
 332 Outreach Program by s. 339.137 to the Florida High-Speed Rail



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333 Authority. In the event funds designated for the Transportation
334 Outreach Program are insufficient to meet the total
335 appropriation, the maximum available funds shall be appropriated
336 from the Transportation Outreach Program and additional funds
337 equal to the amount of the insufficiency shall be appropriated
338 from funds within the State Transportation Trust Fund for public
339 transportation projects in accordance with chapter 341, as
340 provided in s. 206.46(3), to the Florida High-Speed Rail
341 Authority for the purposes set forth in this section. In the
342 event that s. 339.137 is repealed, the funds described in this
343 section shall be appropriated from funds within the State
344 Transportation Trust Fund committed by the Department of
345 Transportation for public transportation projects in accordance
346 with chapter 341, as provided in s. 206.46(3), to the Florida
347 High-Speed Rail Authority for the purposes set forth in this
348 section.

349 Section 11. Section 341.826, Florida Statutes, is created
350 to read:

351 341.826 Pledging of funds.--Funds allocated pursuant to
352 this act may be assigned, pledged, or set aside as a trust for
353 the payment of principal or interest on revenue bonds, notes, or
354 other forms of indebtedness issued by the Florida High-Speed
355 Rail Authority or on its behalf by the Division of Bond Finance;
356 however, such debt shall not constitute a general obligation of
357 the State of Florida. The state does hereby covenant with
358 holders of such revenue bonds or such other instruments of
359 indebtedness issued hereunder that it will not repeal, impair,
360 or amend in any manner the appropriation of such funds that



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361 | would materially or adversely affect the rights of such holders,
362 | so long as bonds authorized hereby are outstanding.

363 | Section 12. Two full-time equivalent positions for an
364 | executive director and an assistant to the executive director
365 | are hereby created and authorized for the Florida High Speed
366 | Rail Authority.

367 | Section 13. This act shall take effect July 1, 2003.